

**SUPREME COURT MINUTES  
WEDNESDAY, JULY 20, 2005  
SAN FRANCISCO, CALIFORNIA**

**S133274**

B171456 Second Appellate District,  
Division Eight

PEOPLE v. GONZALEZ

Review granted/briefing deferred (rule 29.1)

Respondent's and appellant Gonzalez's petition for review GRANTED.

Further action in this matter is deferred pending finality of *People v. Black* (2005) 35 Cal.4th 1238 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of this court. Submission of additional briefing pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant Martinez's petition for review denied.

George, C.J., and Baxter, J., were absent and did not participate.

Votes: Werdegar, A.C.J., Kennard, Chin, and Moreno, JJ.

**S133786**

D042545 Fourth Appellate District,  
Division One

SAN DIEGO METROPOLITAN TRANSIT DEV. BD.  
v. RV COMMUNITIES

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Mt. San Jacinto Community College District v. Superior Court (Azusa Pacific University, S132251)* (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

George, C.J., and Baxter, J., were absent and did not participate.

Votes: Werdegar, A.C.J., Kennard, Chin, and Moreno, JJ.

**S133938**

D044598 Fourth Appellate District,  
Division One

## THORNTON v. CAREER TRAINING CENTER

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Californians for Disability Rights v. Mervyn's*, S131798, and *Branick v. Downey Savings & Loan*, S132433 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

The request for an order directing depublication of the opinion is denied as moot.

George, C.J., and Baxter, J., were absent and did not participate.

Votes: Werdegar, A.C.J., Kennard, Chin, and Moreno, JJ.

**S134050**

B171170 Second Appellate District,  
Division Eight

## PEOPLE v. YIN

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review  
GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Shabazz*, S131048 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further

Appellant's petition for review denied.

George, C.J., and Baxter, J., were absent and did not participate.

Votes: Werdegar, A.C.J., Kennard, Chin, and Moreno, JJ.

**S134160**

B174486 Second Appellate District,  
Division Four

## PEOPLE v. HERNANDEZ

Review granted/briefing deferred (rule 29.1)

Petitions for review GRANTED

Further action in this matter is deferred pending

finality of *People v. Black* (2005) 35 Cal.4th 1238 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of this court. Submission of additional briefing pursuant to California Rules of Court, rule 29.1, is deferred pending

George, C.J., and Baxter, J., were absent and did not participate.

Votes: Werdegar, A.C.J., Kennard, Chin, and Moreno, JJ.

**S133411**

B181621 Second Appellate District,  
Division Two

DIAZ (AUGUSTIN) ON H.C.

Review granted; transferred to CA 2/2 to issue OSC

The matter is transferred to the Second Appellate District, Division Two. That court is ordered to vacate its summary denial dated April 20, 2005 and is further ordered to issue an order to show cause, returnable before the Los Angeles County Superior Court. The Director of Corrections is to be ordered to show cause, when the matter is placed on calendar, why the trial court did not improperly impose an unauthorized sentence in the form of two prior serious felony enhancements under Penal Code section 667(a)(1) as the prior charges were not “brought and tried” separately, since they were formally consolidated before petitioner entered his no contest pleas in 1990, and why, as conceded by the Attorney General in the May 19, 2005 answer to the petition for review, petitioner is not entitled to have his total sentence reduced by five years. (See, Pen. Code, § 667(a)(1); *People v. Wiley* (1995) 9 Cal.4th 580, 585; *In re Harris* (1989) 49 Cal.3d 131, 134, fn. 2., 136-137.) The return shall be filed on or before August 19, 2005.

George, C.J., and Baxter, J., were absent and did not participate.

Votes: Werdegar, A.C.J., Kennard, Chin, and Moreno, JJ.

**S133473**  
F047175 Fifth Appellate District

CAYABO (RIZALINO) ON H.C.  
Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133474**  
E037845 Fourth Appellate District,  
Division Two

GALAZ (GREGORY) ON H.C.  
Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133527**  
B182454 Second Appellate District,  
Division Three

VILLA (ORLANDO) ON H.C.  
Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133585**  
A109807 Third Appellate District

QUESADA (DAVID) ON H.C.  
Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133594**  
A109562 First Appellate District,  
Division Two

MASON (ANTHONY) ON H.C.  
Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133606**  
A109764 First Appellate District,  
Division Three

CERNY (BRUCE ARMAND) ON H.C.  
Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133645**  
G035371 Fourth Appellate District,  
Division Three

WYRICK (THOMAS) ON H.C.  
Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133668**

H028639 Sixth Appellate District

**OROEZA ON H.C.**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133700**

D045773 Fourth Appellate District,  
Division One

**AGRIO (PABLO) ON H.C.**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133711**

C044648 Third Appellate District

**PEOPLE v. BENITEZ**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133730**

B176538 Second Appellate District,  
Division Eight

**PENG v. CITY OF MONTEBELLO**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133744**

B182273 Second Appellate District,  
Division Two

**FLEMING (SHEARWOOD) ON H.C.**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133754**

A105789 First Appellate District,  
Division Two

**RADIAN GUARANTY INC. v. GARAMENDI**

Petition for review denied

Application to appear as counsel pro hac vice granted.

George, C.J., and Baxter, J., were absent and did not participate.

**S133791**

B182616 Second Appellate District,  
Division Seven

**BULPITT (DANIEL) ON H.C.**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133801**

B182032 Second Appellate District,  
Division Two

**KELLEY (STANLEY) ON H.C.**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133810**

B182115 Second Appellate District,  
Division Five

**HYDE (PAUL E.) ON H.C.**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133826**

E033148 Fourth Appellate District,  
Division Two

**PEOPLE v. OWENS**

Petitions for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133841**

G033409 Fourth Appellate District,  
Division Three

**PEOPLE v. WATSON**

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

George, C.J., and Baxter, J., were absent and did not participate.

**S133846**

H028667 Sixth Appellate District

**BELOW (ERMIAS) ON H.C.**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133865**

A106643 First Appellate District,  
Division Five

PEOPLE v. BURNS

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133875**

D043198 Fourth Appellate District,  
Division One

PEOPLE v. RODRIGUEZ

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

George, C.J., and Baxter, J., were absent and did not participate.

**S133879**

CAMPBELL v. S.C. (LINGAN)

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133881**

CAMPBELL v. S.C. (LINGAN)

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133885**

G031877 Fourth Appellate District,  
Division Three

SOLE ENERGY CO v. PETROMINERALS CORP

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133887**

A109984 First Appellate District,  
Division Three

HA v. S.C. (HARRISON)

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133892**

B181304 Second Appellate District,  
Division Eight

**JOHNSON v. WCAB (CITY OF LOS ANGELES)**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133900**

B175588 Second Appellate District,  
Division Three

**PEOPLE v. LOPEZ**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133926**

F047722 Fifth Appellate District

**WARREN v. S.C. (PEOPLE)**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133941**

B170004 Second Appellate District,  
Division One

**PEOPLE v. QUINTERO**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133949**

D043455 Fourth Appellate District,  
Division One

**ROMBE CORPORATION v. ALLIED INSURANCE**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133951**

C048856 Third Appellate District

**PINEDA v. BRIDGETT**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133952**

C044942 Third Appellate District

**PEOPLE v. REZAEI**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.



**S133956**

H027434 Sixth Appellate District

STUDENT LOAN MARKETING ASSOCIATION. v.  
HERDMAN

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133986**

D043776 Fourth Appellate District,  
Division One

BISNAR & CHASE v. BALASCIO

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134061**

B179818 Second Appellate District,  
Division Four

BONNER (THADDEUS) ON H.C.

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134067**

B180573 Second Appellate District,  
Division Two

KARAMANUKYAN v. DIRECTOR OF DMV

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134070**

E035299 Fourth Appellate District,  
Division Two

SCHULZ v. BURKLE

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134088**

B173157 Second Appellate District,  
Division Eight

MOHAG CONSTRUCTION v. COUNTY OF LOS  
ANGELES

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134095**

B177967 Second Appellate District,  
Division Seven

CARDELUCCI v. HARTFORD CASUALTY INS. CO.

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134141**

B182699 Second Appellate District,  
Division Three

**KREITENBERG (MANNY) ON H.C.**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134147**

B175093 Second Appellate District,  
Division Four

**MARISCAL v. EMPLOYEE RELATIONS BOARD**

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134186**

D043510 Fourth Appellate District,  
Division One

**PEOPLE v. RODRIGUEZ**

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

George, C.J., and Baxter, J., were absent and did not participate.

**S134214**

F044512 Fifth Appellate District

**PEOPLE v. PARRAS**

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

George, C.J., and Baxter, J., were absent and did not participate.

**S134224**

F043190 Fifth Appellate District

**PEOPLE v. RICHTER**

Petition for review denied

Petition for review denied without prejudice to any

relief to which defendant might be entitled upon finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

Baxter, J., was recused and did not participate.  
George, C.J., was absent and did not participate.

**S134282**

B173779 Second Appellate District,  
Division Three

## PEOPLE v. GARCIA

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134311**

D044674 Fourth Appellate District,  
Division One

## R. (CARL), IN RE

Petitions for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134318**

B180574 Second Appellate District,  
Division Two

## KARAMANUKYAN v. S.C.

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134320**

A103892 First Appellate District,  
A106864 Division One

## PARKER, MARRIAGE OF

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134331**

C045589 Third Appellate District

## M. (MICHAEL), IN RE

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134340**

G034038 Fourth Appellate District,  
Division Three

TUCKER v. AT&T WIRELESS SERVICES

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134423**

B174479 Second Appellate District,  
Division Five

PEOPLE v. CANALES

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134432**

B177362 Second Appellate District,  
Division Eight

PEOPLE v. TILLET

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

George, C.J., and Baxter, J., was absent and did not participate.

**S134489**

C046338 Third Appellate District

PEOPLE v. ANDERSON

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134515**

A106760 First Appellate District,  
Division Three

SAN FRANCISCO, CITY OF v. STATE OF CALIF

Petition for review & depublication request denied

Request for judicial notice granted.

George, C.J., and Baxter, J., were absent and did not participate.

**S134585**

B175620 Second Appellate District,  
Division Six

COALITION OF LABOR AGRICULTURE AND  
BUSINESS v. COUNTY OF SANTA BARBARA  
BOARD OF SUPERVISORS

Petition for review denied

George, C.J., and Baxter, J., were absent and did  
not participate.

**S134656**

C047004 Third Appellate District

PEOPLE v. NAYLOR

Petition for review denied

George, C.J., and Baxter, J., were absent and did  
not participate.

**S134657**

F044154 Fifth Appellate District

PEOPLE v. CANCEL

Petition for review denied

Petition for review denied without prejudice to any  
relief to which defendant might be entitled upon  
finality of *People v. Black* (2005) 35 Cal.4th 1238  
regarding the effect of *Blakely v. Washington*  
(2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United*  
*States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct.  
738, on California law.

Baxter, J., was recused and did not participate.  
George, C.J., was absent and did not participate.

**S134658**

E035915 Fourth Appellate District,  
Division Two

PEOPLE v. SHELTON

Petition for review denied

Petition for review denied without prejudice to any  
relief to which defendant might be entitled upon  
finality of *People v. Black* (2005) 35 Cal.4th 1238  
regarding the effect of *Blakely v. Washington*  
(2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United*  
*States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct.  
738, on California law.

George, C.J., and Baxter, J., were absent and did  
not participate.

**S134663**

B174894 Second Appellate District,  
Division Seven

PEOPLE v. GARCIA

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134664**

G035587 Fourth Appellate District,  
Division Three

BAYSHORE HOMES v. S.C. (PACIFIC MORTGAGE)

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134666**

B173166 Second Appellate District,  
Division Seven

PEOPLE v. SIEGEL

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134667**

D046509 Fourth Appellate District,  
Division One

DREWS v. S.C. (PEOPLE)

Petition for review and application for stay denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134673**

G033190 Fourth Appellate District,  
Division Three

PEOPLE v. HOPPER

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134674**

B173837 Second Appellate District,  
Division Five

PEOPLE v. JUAREZ

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134677**

E035456 Fourth Appellate District,  
Division Two

PEOPLE v. ROSENBLUM

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon

finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

George, C.J. and Baxter, J., was absent and did not participate.

**S134683**

E035467 Fourth Appellate District,  
Division Two

PEOPLE v. HUNTER

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134684**

E036972 Fourth Appellate District,  
Division Two

KIMSEY, MARRIAGE OF

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134696**

C047073 Third Appellate District

SHOWALTER v. UNIVERSITY OF THE PACIFIC,  
McGEORGE SCHOOL OF LAW

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134708**

H027250 Sixth Appellate District

PEOPLE v. HERNANDEZ-LOPEZ

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134712**

H027311 Sixth Appellate District

PEOPLE v. LEONTI

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134713**

F045871 Fifth Appellate District

PEOPLE v. WILLIAMS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

George, C.J., and Baxter, J., was absent and did not participate.

**S134715**

H027068 Sixth Appellate District

W. (J.), IN RE

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134716**

E035670 Fourth Appellate District,  
Division Two

PEOPLE v. SOLOMONS

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134718**

H027540 Sixth Appellate District

W. (J), IN RE

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134730**

B178191 Second Appellate District,  
Division Five

GADLIN v. S.C. (PEOPLE)

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134732**

H027404 Sixth Appellate District

PEOPLE v. DANIELS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon



finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

George, C.J., and Baxter, J., were absent and did not participate.

**S134734**

A104109 First Appellate District,  
Division Two

## PEOPLE v. HUEY

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134743**

E036417 Fourth Appellate District,  
Division Two

## PEOPLE v. BARNES

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134750**

B173696 Second Appellate District,  
Division Five

## PEOPLE v. VASQUEZ

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134751**

E036027 Fourth Appellate District,  
Division Two

## PEOPLE v. HAMPTON

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134757**

C045059 Third Appellate District

## PEOPLE v. SMITH

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134758**

E035644 Fourth Appellate District,  
Division Two

PEOPLE v. VERKUILEN

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

George, C.J., and Baxter, J., were absent and did not participate.

**S134777**

E036016 Fourth Appellate District,  
Division Two

PEOPLE v. ROWDEN

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

George, C.J., and Baxter, J., were absent and did not participate.

**S134779**

B173802 Second Appellate District,  
Division Seven

PEOPLE v. WILLIAMS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

George, C.J., and Baxter, J., were absent and did not participate.

**S134780**  
C047916 Third Appellate District

PEOPLE v. CRAVER  
Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134781**  
B176915 Second Appellate District,  
Division Three

PEOPLE v. BROWNLOW  
Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134784**  
B172484 Second Appellate District,  
Division Eight

PEOPLE v. THOMPSON  
Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134786**  
C044205 Third Appellate District

PEOPLE v. PIERCE  
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

George, C.J., and Baxter, J., were absent and did not participate.

**S134790**  
A106397 First Appellate District,  
Division Two

PEOPLE v. LOUTZENHISER  
Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134794**  
E036295 Fourth Appellate District,  
Division Two

PEOPLE v. MUNOZ  
Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134795**

B173410 Second Appellate District,  
Division One

PEOPLE v. BEDFORD

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134796**

B175258 Second Appellate District,  
Division Five

PEOPLE v. ARMSTRONG

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134800**

B172250 Second Appellate District,  
Division Eight

L., (CALVIN), IN RE

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134807**

C044925 Third Appellate District

PEOPLE v. HARMON

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (2005) 35 Cal.4th 1238 regarding the effect of *Blakely v. Washington* (2004) 542 U.S. \_\_\_, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. \_\_\_, 125 S.Ct. 738, on California law.

George, C.J., and Baxter, J., were absent and did not participate.

**S134820**

A106260 First Appellate District,  
Division Two

PEOPLE v. HINES

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134823**

C049777 Third Appellate District

STEIN v. S.C. (PEOPLE)

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134829**

B176303 Second Appellate District,  
Division Five

PEOPLE v. HUGHES

Petitions for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134844**

B173939 Second Appellate District,  
Division Six

PEOPLE v. MORENO

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134885**

D044031 Fourth Appellate District,  
Division One

PEOPLE v. CLUTTER

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134894**

D045398 Fourth Appellate District,  
Division One

PEOPLE v. BALTAZAR

Petition for review denied

George, C.J., and Baxter, J., were absent and did not participate.

**S135427**

A110624 First Appellate District,  
Division One

EDWARDS v. S.C. (PEOPLE)

Petition for review and application for stay denied

George, C.J., and Baxter, J., were absent and did not participate.

**S122849**

SPRINKLE (FREDDIE) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S123139**

SCOTT (REGINALD) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S123216**

FLORES (CESAR N.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S123427**

KUTYLO (STEPHEN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;  
*In re Rosenkrantz* (2002) 29 Cal.4th 616.)

George, C.J., and Baxter, J., were absent and did not participate.

**S125270**

FLORES (JAVIER) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S125910**

SCHOENHOEFT (JOSEPH S.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S126261**

DELANDER (STEVEN WILLIAM) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S126263**

S. (PAUL KEITH), a Minor, ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S126916**

VANN (BUNN ROEUNG) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Lindley* (1947) 29 Cal.2d 709; *In re Swain*  
(1949) 34 Cal.2d 300, 304; *People v. Duvall*  
(1995) 9 Cal.4th 464, 474.)

George, C.J., and Baxter, J., were absent and did not participate.

**S126933**

CLARK (NATHAN A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Dixon*  
(1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62  
Cal.2d 218; *In re Swain* (1949) 34 Cal.2d 300,  
304; *People v. Duvall* (1995) 9 Cal.4th 464,  
474.)

George, C.J., and Baxter, J., were absent and did not participate.

**S126937**

THOMPSON (JOSEPH E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750.)

George, C.J., and Baxter, J., were absent and did not participate.

**S126938**

DORSEY (JAMIE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S127013**

BENITEZ (VICTOR) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127043**

LOZANO (JESUS) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127134**

KUTZER (CALVIN T.) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S127201**

DAVIS (CLYDE K.) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S127375**

AVILA (ALDON ARELLANO) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

George, C.J., and Baxter, J., were absent and did not participate.



**S127392**

WHITE (DARRELL VINCENT) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127449**

PEREZ (JUAN L.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S127467**

BAUGH (THOMAS R.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S127569**

MARAVILLA (JESUS) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127575**

SYLVESTER (JIM O.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127577**

POUCHER (GARY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127686**

BARKER (RICHARD A.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S127695**

WILSON (ARTHUR) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S127696**

MASON (GLENN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127698**

SMITH (DAVID L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127700**

FLOYD (JEFFREY A.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S127701**

HERNANDEZ (RICHARD A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

George, C.J. and Baxter, J., were absent and did not participate.

**S127706**

ZUVER (DEBI L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *People v. Black* (2005) 35 Cal.4th 1238.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127711**

MASSEY (LAWRENCE E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127715**

BARRERA (EDWARD) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S127718**

HERNANDEZ (FREDERICK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127723**

LARA (PEDRO) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127724**

DRAKE (DEAN C.) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127725**

COYLE (JEFFREY RAY) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S127729**

CHISM (RICHARD) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127760**

CASTRELLON (JOSEPH L.) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127777**

DOTSON (FREDDIE L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Waltreus* (1965) 62 Cal.2d 218.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127779**

CLIETT (IAN DARYLE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127784**

SYLVESTER (WILLIAM) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127791**

DIXON (NORMAN) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S127795**

RIVERA (ENRIQUE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127809**

BOONMY (BOONMI) ON H.C.  
Petition for writ of habeas corpus denied

(See *People v. Black* (2005) 35 Cal.4th 1238.)

George, C.J., and Baxter, J., were absent and did not participate.

**S127810**

BRACAMONTE (LOUIE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

George, C.J., and Baxter, J., were absent and did participate.

**S127814**

MATHEWS (DONALD) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S127815**

NIBLETT (MARLON) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S127818**

MILLER (MARION F.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S128575**

SPRINKLE (FREDDIE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S128819**

SCOTT (REGINALD) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S129266**

FLORES (CESAR) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S129946**

MILLER (MARION F.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S130553**

SIMENTAL (JOSE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S130698**

MUHAMMAD (SHAKA) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S130942**

MILLER (MARION F.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Black* (2005) 35 Cal.4th 1238.)

George, C.J., and Baxter, J., were absent and did not participate.

**S131197**

MUHAMMAD (SHAKA S.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S131205**

COBB (LARRY E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734; *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., and Baxter, J., were absent and did not participate.

**S131386**

BROWDER (TYRONE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S131487**

VEALS (KEITH) ON H.C.  
Petition for writ of habeas corpus denied

(See *People v. Black* (2005) 35 Cal.4th 1238.)

George, C.J., and Baxter, J., were absent and did not participate.

**S131496**

DELANDER (STEVEN W.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C.J., and Baxter, J., were absent and did not participate.



**S131520**

YLARDE (NELSON) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S131609**

MADSEN (RICK) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S132994**

WEHRY (JEAN PIERRE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C.J., and Baxter, J., were absent and did not participate.

**S133163**

MUHAMMAD (SHAKA S.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C.J., and Baxter, J., were absent and did not participate.

**S133448**

GONZALES (ROBERT) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S133546**

JIMENEZ (ALEJANDRO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C.J., and Baxter, J., were absent and did not participate.

**S134091**

GOLDSTEIN (DARRYL LEE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134127**

LEE (RON) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

George, C.J., and Baxter, J., were absent and did not participate.

**S134182**

CAVINS (JERRY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Wessley W.* (1981) 125 Cal.App.3d 240.)

George, C.J., and Baxter, J., were absent and did not participate.

**S134562**

FUNCHES (JERRY C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)

George, C.J., and Baxter, J., were absent and did not participate.

**S134668**

GOVEA (RONNIE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134837**

ROARK (ROBERT L.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134840**

ROESLING (DEAN E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C.J., and Baxter, J., were absent and did not participate.

**S134941**

DENTON (JAMES) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134949**

CASTELLO (JOSEPH) ON H.C.  
Petition for writ of habeas corpus denied

(See *People v. Black* (2005) 35 Cal.4th 1238.)

George, C.J., and Baxter, J., were absent and did not participate.

**S134978**

PADILLA (PAUL) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S134979**

BROWN (RONNIE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S135036**

OVERTURF (ROCKY L.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S135037**

NARRO (GUILLERMO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C.J., and Baxter, J., were absent and did not participate.

**S135046**

ANDERSON (RICHARD D.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C.J., and Baxter, J., were absent and did not participate.

**S135053**

BROWNLOW (GREGORY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

George, C.J., and Baxter, J., were absent and did not participate.

**S135055**

GREENE (CEDRIC) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

George, C.J., and Baxter, J., were absent and did not participate.

**S135113**

ORTEGA (CARLOS T.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C.J., and Baxter, J., were absent and did not participate.

**S135166**

WILLIAMS (DAVID L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

George, C.J., and Baxter, J., were absent and did not participate.

**S135170**

GREENE (CEDRIC) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C.J., and Baxter, J., were absent and did not participate.

**S135171**

HOWELL (RICKY LYNN) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., and Baxter, J., were absent and did not participate.

**S028970**

PEOPLE v. STITELY (RICHARD)  
Stay of execution order filed

Application for emergency stay of execution of sentence is GRANTED.

**S133272**

G031928 Fourth Appellate District,  
Division Three

**FREY v. TRANS UNION CORPORATION**

Depublication ordered

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed March 24, 2005, which appears at 127 Cal.App.4th 986. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

George, C.J., and Baxter, J., were absent and did not participate.

**S133845**

C045651 Third Appellate District

**GLATFELTER, MARRIAGE OF**

Publication request denied (case closed)

George, C.J., and Baxter, J., were absent and did not participate.

**S132399**

A103716 First Appellate District,  
Division Two

**PEOPLE v. SAPHAO**

Extension of time granted

to August 17 05 for appellant to file the opening brief on the merits.

**S058734**

**PEOPLE v. HOLMES, MCCLAIN & NEWBORN**

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant Herbert Charles McClain, filed June 23, 2005, is granted.

The order appointing the State Public Defender as appellate counsel of record for appellant Herbert Charles McClain, filed November 29, 2001, is hereby vacated.

Debra S. Sabah Press is hereby appointed as counsel of record to represent appellant Herbert Charles McClain for the direct appeal in the above automatic appeal now pending in this court.

George, C.J., and Baxter, J., was absent and did not participate.

**S133492**

D044200 Fourth Appellate District,  
D044662 Division One

PEOPLE v. YOUNG

Counsel appointment order filed

Gregory Cannon is hereby appointed to represent appellant on the appeal now pending in this court.

**S022998**

PEOPLE v. TOWNSEL (ANTHONY L.)

Record augmentation granted in part/denied in part

Appellant's "Motion to Correct, Augment and Settle the Record on Appeal, or, in the Alternative, to Vacate Certification and Remand for Further Proceedings," filed on January 24, 2005, is granted in part and denied in part, as follows:

1) Appellant's request that the record be augmented to include transcripts from the competency proceedings on November 2, 3, 8 and 9, 1989, in Madera Superior Court case numbers 41051 and 41067, or, in the alternative, that the superior court settle the record with respect to these proceedings (Motion to Correct, pp. 8-10), is granted. Court reporter Durward Hope is directed to conduct a thorough search for his transcript notes for the proceedings identified above. If Hope locates such notes, he is directed to transcribe them and to deliver the original transcript(s) and copies to the clerk of the superior court for distribution to this court and to counsel for each party. In the event Hope is unable to locate the transcript notes, he is directed to file a certification to that effect in the superior court. Upon the filing of such a certification, the superior court is directed to conduct proceedings to settle the record, pursuant to California Rules of Court, rules 7 and 32.3, and *Marks v. Superior Court* (2002) 27 Cal.4th 176, 192.

2) Appellant's request that the record be augmented to include proposed jury instructions and proposed questionnaires (Motion to Correct, pp. 10-13), treated as a motion to settle the record, is granted. The superior court is directed to conduct further settlement proceedings regarding the unreported

conferences of January 17, 1991, and April 22, 1991, to settle the identity of the documents that were before the court during or in connection with the unreported oral proceedings on those dates. (Cal. Rules of Court, rule 7(5); *People v. Osband* (1996) 13 Cal.4th 622, 661-663.) In conjunction with the settlement proceedings, appellant may submit to the court copies of any relevant documents from trial counsel's files, together with proper documentation of their origin. (Cal. Rules of Court, rule 7(5).)

3) Appellant's request that the court strike portions of certain settled statements (Motion to Correct, pages 17-26), is granted in part. The clerk of this court is directed to transmit Volume XII of the Clerk's Transcript on Appeal to the superior court. The superior court is directed to make the following changes to Volume XII of the Clerk's Transcript:

i) The superior court is directed to delete the following sentence from settled statement number 53 {C.T. 3064}: "The leg shackles, taped so noise would not be an issue, could not be seen by the jury."

ii) The superior court is directed to delete the following sentence from settled statement number 59 {C.T. 3065-3066}: "All objections and special requests were put on the record which was done."

iii) The superior court is directed to delete the following sentence from settled statement number 74 {C.T. 3069}: "Any objections or requests were to be placed on the record which was done."

4) To the extent possible, appellant's counsel and the Attorney General are directed to ensure the presence of trial defense counsel, Linda Thompson and Roger Litman, and the trial prosecutor, Ernest J. LiCalsi, at any and all further settlement proceedings in the superior court.

5) The superior court is directed to ensure that all further oral proceedings in this matter are transcribed and that the resulting clerk's and reporters transcripts are transmitted to this court.

6) The superior court is directed to complete all necessary proceedings, and to



return to this court any volumes of the transcript hereby transmitted, by September 12, 2005.

7) In all other respects, the motion is denied.

George, C.J., and Baxter, J., were absent and did not participate.

**S118232**

IN THE MATTER OF THE SUSPENSION OF  
ATTORNEYS FOR NONPAYMENT OF DUES  
Order filed

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of dues filed on August 23, 2003, effective September 16, 2003, be amended nunc pro tunc to strike the name of **Stephen William Travers.**

**S131185**

BACH ON DISCIPLINE  
Petition for writ of review denied; disbarred

Petition for writ of review DENIED.

It is ordered that **Maxim Nicholas Bach, State Bar Number 44804**, is disbarred from the practice of law in the State of California and that his name is stricken from the Roll of Attorneys of all persons admitted to practice in this state. Bach is ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar.  
\*(See Bus. & Prof. Code, § 6126, subd. (c).)

George, C.J., and Baxter, J., were absent and did not participate.

